IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 19863 of 2004

Between:

Srinivasa Agency,

Rep. by its Partner, Muthineni Ravindernath, S/o. M. Srinivasa Rao,
aged 36 Years, R/o. 4th Lane, Brundavan Garden, Guntur, Guntur District.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, & Authority

U/s. 7A of the EPF & MP Act, 1982,
Sub-Regional Office, 3rd Lane, Krishna Nagar,

Guntur-522 006, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in issuing the impugned proceedings rejecting the review petition filed by the petitioner firm vide Proceedings No. AP/GT/39914/COMP-I/G.IV/2004/865 dated 13-10-2004 without giving opportunity as arbitrary, illegal and unconstitutional and quash the same and consequently direct the respondent to pass appropriate order only after giving the opportunity to the petitioner firm.

For the Petitioner:MR. GHANTA RAMA RAO

For the Respondent: MR.R.N.REDDY, Standing Counsel for Provident Fund.

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent. Both the counsel agreed for disposal of the writ petition at the admission stage in the light of the orders passed in WP.No.26770 of 2003, dated
24-12-2003, wherein, this Court set aside the impugned order on the ground that no opportunity was given to the petitioner before passing the said order.

In view of the same, the impugned order dated 13-10-2004 is set aside subject to petitioner's appearance on 08-11-2004 at 11.00 a.m. before the respondent. On his appearance, the respondent shall hear and pass appropriate orders on the review application filed by the petitioner. In the event, if the petitioner fails to appear before the respondent on the said date, the respondent is at liberty to enforce the impugned order.

The writ petition is accordingly allowed. No costs.

29th OCTOBER, 2004.

Note: furnish c.c. in two days.

B/o

kvni

To

1. The Assistant Provident Fund Commissioner, & Authority

U/s. 7A of the EPF & MP Act, 1982,
Sub-Regional Office, 3rd Lane, Krishna Nagar,

Guntur-522 006, Guntur District.

2. Two CD copies.